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By:

*[Signature]*  
Sarah M. Barnett

PATENT

Customer Number 22,852

Attorney Docket No. 04121.0103-05000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

) Group Art Unit: 1637

BAUER, John C. et al.

) Examiner: Kenneth R. Horlick

Application No.: 10/811,062

) Confirmation No. 8060

Filed: March 25, 2004

For: CIRCULAR SITE-DIRECTED  
MUTAGENESIS

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Applicants now respond to the Office Action mailed July 24, 2006 ("Action").

The Examiner rejected claims 18-24 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-4 of U.S. Patent No. 5,789,166; claims 1-7 of U.S. Patent No. 5,932,419; claims 1-11 of U.S. Patent No. 6,391,548; and claims 5-12 of U.S. Patent No. 6,713,285. Action at page 2, item no. 2.

Solely to expedite prosecution, and without acquiescing to the Examiner's rejection, Applicants enclose a Terminal Disclaimer from each of the two co-assignees Stratagene California and Children's Medical Center Corporation with respect to U.S.

Patent Nos. 5,789,166, 5,932,419, 6,391,548, and 6,713,285. In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the total required fees of \$260.00 for two Terminal Disclaimers are submitted herewith.

Applicants acknowledge with appreciation the Examiner's withdrawal of the art rejections made previously. Action at page 3, item no. 3.

**Conclusion**

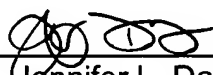
Applicants respectfully assert that the application is in condition for allowance and request the timely issuance of a Notice of Allowance. If the Examiner does not consider the application to be in condition for allowance, Applicants request that he contact the undersigned at (650) 849-6749 to set up an interview.

Please grant any extensions of time required to enter this response and charge any additional fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 24, 2006

By:   
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